

## RESOLUTION 2009-01

A RESOLUTION OF JEFFERSON, COUNTY, KANSAS SETTING A REFUND POLICY FOR THE OVERPAYMENT OF FEES PAID TO THE REGISTER OF DEEDS.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSINERS OF JEFFERSON COUNTY, KANSAS that:

WHEREAS, Jefferson County is a duly organized county within the State of Kansas and, pursuant to the home-rule authority vested in said county by K.S.A. 19-101a and K.S.A. 19-101b.

WHEREAS, the Register of Deeds is authorized by K.S.A. 28-115 to collect fees and pay it to the County Treasurer to be deposited into the general fund; and

WHEREAS, there is no statutory authority for refund of overpayment of fees; and

WHEREAS, the cost of processing refunds can exceed the amount of the overpayment.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS, THAT:

### SECTION I: DEFINITIONS.

- a. "Refund" means any amount of fee refund to any person as a result of an overpayment of fee which exceeds \$6.99.
- b. "No Refund" means in any case of any overpayment of fee collected by the Register of Deeds, there shall be no refund for any overpayment which is equal to \$3 or less. Any fees equal to \$3 or less shall be deposited into the County General Fund.
- c. "Refund Fund" means a fund set up by the County Treasurer for refund of overpayment fees to the Register of Deeds.
- d. "Request for Refund" means that the payor of the fee shall request a refund for the overpayment of any fee equal to or less than \$6.99.

### SECTION II: PROCEDURE TO HANDLE OVERPAYMENT OF FEES.

- a. There is hereby created in the county treasury the "Register of Deeds County Fee Refund Fund" which shall be used, for the payment of any refunds of overpayments of moneys collected by the Register of Deeds for the reimbursement of the overpayment fees. The Register of Deeds County refund fund shall be maintained by the Treasurer from the fees collected by the Register of Deeds pursuant to K.S.A. 28-155 and amendments thereto in an amount in excess of \$6.99.

- b. Refunds for overpayment shall be made from such fund. The County Treasurer shall reconcile such clearing fund monthly with balances remitted in accordance with this section.
- c. No refund shall be given for overpayment if the amount of the overpayment is equal or less than \$6.99.
- d. A request for refund of an overpayment of fee paid to the Register of Deeds shall be in writing on a form provided by the Register of Deeds.
- e. The request shall be received by the Register of deeds no later than thirty days following the date the document was submitted for filing or recording.

SECTIN III: EFFECTIVE DATE.

This Resolution shall take effect upon publication date of the Resolution adopted by the Board of County Commissioners of Jefferson County, Kansas.

Adopted this 9<sup>th</sup> day of February, 2009.

BOARD OF COUNTY COMMISSIONERS

JEFFERSON COUNTY, KANSAS

/S/ Richard Malm, Chairman

/S/ Roy Dunnaway, Member

ATTEST: /S/ Linda M. Buttron, County Clerk

(Seal)